

### **REMARKS**

The foregoing amendment and remarks which follow are responsive to the non-final Office Action mailed April 14, 2005 in relation to the above-identified patent application. According to the Office Action, Claim 20 was objected to by the Examiner because the limitations "piton" and "line" lacked antecedent bases. This has been remedied in the current amendment by following the Examiner's recommendations. Also, Claims 19, 20, and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Towfigh (DE 32 27 984 A1).

Applicants, by this amendment, have more clearly defined the subject matter which they regard as the invention, as well as have differentiated the present invention from the cited prior art. In this respect, the Towfigh reference does not teach or suggest a surgical tissue implant comprising **both** a system for securing a suture within a selected target site of soft tissue **and a sling for providing support to an internal organ or tissue, the sling being disposed upon the proximal end of at least one suture, the sling also being positionable adjacent an internal organ or tissue.** Likewise, the Towfigh reference does not teach or suggest the novel combination of method steps **for providing support to an internal organ or tissue**, where the steps include providing a surgical tissue implant that includes **a sling** portion that remains external to the soft tissue, introducing the implant within a patient's body, and **positioning the implant such that the sling is adjacent to the internal organ or tissue** in order to provide support to said organ or tissue.

In light of these amendments, the Towfigh reference cannot teach or suggest the present invention as claimed. The Towfigh reference, as shown in Figures 1 and 2, teaches a device for abutting a ligament wherein the device is **completely inserted within the soft tissue**. The device does **not** have a portion external to the soft tissue. More specifically, the device in the Towfigh reference does not have a sling portion for supporting an internal organ or tissue of the patient.

The device of the currently claimed invention, on the other hand, contemplates a surgical tissue implant having both a suture securing system embedded within the soft tissue **and** a sling portion external to the soft tissue for use in providing support to an internal organ or tissue. As should be appreciated based on the foregoing, the claims herein are novel and non-obvious over the cited reference. In this regard, the amended claims submitted herein

include limitations that are clearly missing in the prior art. As is well-known, to establish *prima facie* obviousness of a claimed invention, **all the claimed limitations must be taught or suggested by the prior art.** MPEP § 2143.03; *In re Royka*, 940 F2d 981, 180 USPQ 580 (CCPA 1974). Specifically, the prior art has not taught a surgical tissue implant having the claimed suture securing system **in combination** with a sling portion for providing support to a patient's internal organ or tissue.

Furthermore, the newly submitted claims, while introducing no new subject matter, are believed to further differentiate the present invention from the prior art. New claims 39-42 and 45-48 are directed towards various embodiments of the anchor members. These embodiments were fully disclosed in the application as filed at page 24, lines 7-9. None of these embodiments are shown in the Towfigh reference. Also, new claim 43 is directed to a group of materials that the lines of the surgical tissue implant may be chosen from, i.e., sutures, tissues, or grafts. This was fully disclosed in the application on page 23, lines 23-25.

Based on the foregoing, Applicant respectfully submits that the claims, as amended herein, are now in condition for immediate allowance. Early notice to that effect is respectfully requested. To the extent the Examiner has any questions, requires additional information, or has any suggestions to resolve any outstanding issues that may exist, the Examiner is invited to contact Applicant's counsel at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 8/11/05

By: \_\_\_\_\_



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